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SUBJECT: HOW A POST CAN REFER CASES TO THE U.S. REFUGEE
ADMISSIONS PROGRAM

REF: A. STATE 326248
[1](#)B. STATE 109618
[1](#)C. STATE 109949

[1](#)1. Summary. The U.S. operates a refugee resettlement program coordinated by the State Department through the Bureau of Population, Refugees and Migration, Office of Admissions (PRM/A). Under this program, tens of thousands of refugees of many nationalities are identified, interviewed, and ultimately resettled in the United States each year. All Posts are authorized to identify and refer applicants to this program. This cable provides guidance regarding who might be considered for referral to the U.S. Refugee Admissions Program (USRAP) and how it works. Posts without Refugee Coordinators are advised to designate an officer or establish a committee responsible for vetting potential referrals. Posts needing additional guidance on the referral process should contact PRM/A or email the PRM Admissions collective. This cable updates and supersedes State 326248, issued in November 2003 with the same subject line.

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DEFINITIONS:

[1](#)2. Refugee: A refugee is defined under U.S. law, section 101(A)(42) of the Immigration and Nationality Act, as a person who is outside his/her country of origin or habitual residence, and who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion. The same section further provides that the word "refugee" does not/not include any person who ordered, incited, assisted or otherwise participated in the persecution of any person on account of any of the five specified grounds. In addition, section 101(A)(42) also provides that "persecution on account of political opinion: includes forced abortion or involuntary sterilization, as well as persecution for refusal to undergo such a procedure or for other

resistance to a coercive population control program."

¶3. Beginning in FY 2005, as authorized in section 101(A)(42), the President has also specified that in exceptional circumstances, persons identified by any U.S. Embassy may be considered refugees for the purpose of admission to the United States even if they are within their countries of nationality or habitual residence. Such an in-country referral can be made from any location in the world, with the understanding that Significant Public Benefit Parole (SPBP - a program administered by the Department of Homeland Security) will continue to be the solution for most such cases. Prior to FY 2005, the President had specifically authorized in-country processing only in certain locations, including Eurasia/Baltic States, Vietnam, and Cuba.

¶4. Referral: A referral to the USRAP is a mechanism by which a case (be it an individual or a family) may enter the processing stream. The United Nations High Commissioner for Refugees (UNHCR) routinely refers cases to the USRAP. Posts also have this ability. Referral into the program gains access to processing for the case (steps described briefly below at para 8); it does not guarantee that a case will ultimately be approved or resettled in the U.S., although a high percentage of UNHCR and Embassy referrals are successful. UNHCR and Embassy referrals are referred to as "Priority One" (P-1) cases.

¶5. Durable Solution: This term is used to describe the need for a permanent or long-term solution to a refugee's situation, either through voluntary repatriation to his/her country of origin, integration locally in the country of first asylum (the place to which the refugee fled) - including a legalized status, or third country resettlement (i.e. resettlement in the U.S. or other resettlement country).

¶6. Priority One (P-1) Referrals: The underlying reasons for making a P-1 referral to the USRAP are as follows:
A) Compelling humanitarian reasons as a result of a particular vulnerability or protection problem. These could include the inability of the local government or UNHCR to ensure the safety of a certain individual due to ethnic or other tensions; conditions in a refugee camp or wherever the person has temporary asylum; or any personal situation, such as medical or mental health issues that affect the person's security or well-being.
B) Claims to have suffered or fear serious harm on account of race, religion, nationality, membership in a particular social group, or political opinion. Post should evaluate whether the person being considered for a referral has suffered or fears serious harm in his or her country of nationality, or if stateless, in the country of last habitual residence. Serious harm could include threats to life or freedom; cumulative instances of harassment or discrimination; severe physical abuse, violation of an individual's fundamental beliefs; substantial economic harm; rape or sexual abuse; or psychological harm based on serious harm to a family member or other third party.
C) Absence of any other durable solution (see para 5 above).

¶7. Where the primary reason for the referral is humanitarian, it is important to note that the candidate for referral still must claim to fear or have suffered serious harm in the country of origin. Compelling humanitarian reasons alone are not enough to support a referral. Also note that post need not try to determine for certain that a potential case has a solid refugee claim before referring the case to the USRAP. Post should consider whether the person claims to have suffered or fear serious harm. Post must always bear in mind that the serious harm at issue must have taken place or be feared in the applicant's country of nationality (or if stateless, in his/her country of last habitual residence). Serious harm in the country of asylum is insufficient to sustain a referral to meet the U.S.

refugee definition.

BRIEF SUMMARY OF USRAP STEPS:

¶8. A referral into the USRAP is the beginning of a lengthy process compared to visa issuance. The following steps must be successfully completed before a refugee can travel to the United States. Posts should bear in mind that these steps can sometimes be accomplished in a matter of days or weeks if a case is an emergency, but that the process typically takes at least four to six months from the time of referral to the date of departure. Note that certain refugees require enhanced security checks that may prevent PRM from processing the case on an emergency basis

Step 1: Referral into the USRAP;

Step 2: Preparation of casefile including all necessary forms and a case history;

Step 3: Completion of necessary security checks for all individuals on the case (including, in some cases, Security Advisory Opinions);

Step 4: Individual, face-to-face interview with a Department of Homeland Security U.S. Citizenship and Immigration Services (DHS/USCIS, formerly INS) officer to determine whether the applicant meets the definition of a refugee under U.S. law and whether he or she is otherwise eligible for U.S. admission;

Step 5: Medical examination and clearance;

Step 6: Assignment of the case to a U.S.-based voluntary resettlement agency to assist with post-arrival reception and placement services;

Step 7: Preparation of the "travel packet" which includes all necessary identification and documentation for admission to the U.S.;

Step 8: Obtaining necessary exit permissions and booking travel;

Step 9: Departure for the U.S.

¶9. In locations where the USRAP conducts regular processing, posts may rely on the Overseas Processing Entity (OPE) to handle steps 2-9. OPEs are currently operating in Accra, Bangkok, Cairo (with sub-offices in Amman and Damascus), Havana, Ho Chi Minh City, Istanbul, Kathmandu, Moscow, Nairobi, and Vienna. Most have regional responsibilities. However, post may also need to assist with some steps required to process the case. PRM/A will provide guidance and assistance as necessary.

¶10. A case can be delayed or derailed by steps 3,4,5, or ¶8. Should any member of the case be found inadmissible as a result of security checks, the case will likely not proceed. If the USCIS officer denies the case at interview, the case will not proceed unless additional information provided by the applicant leads DHS to overturn the denial. Certain medical conditions can render members of the case inadmissible to the U.S. even if the individual is otherwise approved for resettlement, although waivers are often possible (but in the case of active tuberculosis, often only after lengthy medical treatment). If the host government has an exit permission requirement, it is sometimes difficult to obtain the necessary permission in a timely fashion.

¶11. The USRAP relies on the services of the International Organization for Migration (IOM) to assist with travel arrangements for all refugees being resettled in the United States. In locations where no OPE support exists, PRM/A will assist post in coordinating with IOM to actually move the refugee to the U.S. once that stage of processing is reached.

THE MECHANICS OF REFERRING A CASE:

¶12. To officially refer a case to the USRAP, Post must send an appropriately classified cable to the Department slugged for PRM/A. Info copies should be sent to the appropriate regional Refugee Coordinator responsible for Admissions (who are located in Accra, Bangkok, Cairo, Kathmandu, Moscow, Nairobi and Islamabad), to the U.S.

Embassy in the refugee applicant's country of origin, and to DHS/USCIS at HQ CIS IAO WASHINGTON DC (ROUTING CODE RUEAHLA). PRM/A will coordinate a response to post, usually via email, concerning how best to initiate processing.

¶13. The referral cable must include name, date and place of birth, nationality, gender, and relationship to the principal applicant for all members of the case. (Note: one member of the case is always designated as the principal applicant. This is the person who has the primary claim as to serious harm or fear of serious harm. If all members of the case have the same claim, it would be the head of the family. End note.) The cable should describe the claim and explain why the case needs resettlement. If the case has any particular links (such as relatives or other ties) to the U.S., they should be described in as much detail as possible.

¶14. Posts should contact the Department (PRM/A) and/or the Embassy in the refugee's country of origin (if applicable) if they have procedural or substantive questions about handling a particular case. Informal consultations via email and phone can be helpful before drafting a referral cable. Embassies can call PRM/A at 202-663-1056 or send email queries to the PRM/Admissions collective.

THINGS TO CONSIDER BEFORE REFERRING A CASE:

¶15. The Department wishes to ensure access to the USRAP worldwide for persons who may be in need of resettlement, regardless of nationality or family ties to the United States. While we do not want to overburden embassies, we hope posts will be open to identifying those individuals who may not have other avenues for resettlement consideration.

¶16. Cases referred for processing by a post have typically involved current or former FSNs or high profile individuals who are known to the post. In either situation, the post may choose to consult with the Department, other involved posts (such as in the individual's country of origin) or UNHCR. Any such communication should be handled with utmost discretion. Violating the confidentiality of the individual's statements and/or identity, including acknowledging that an individual is an applicant for refugee resettlement, could compromise the individual's safety and that of family members in the country of origin. The State Department follows a policy of non-disclosure to third parties of information relating to an applicant's refugee claim similar to the policy followed by DHS/USCIS.

¶17. In most instances, Priority One cases will come to the attention of the USRAP through referrals from UNHCR, whose mandate is to provide refugee protection worldwide. In locations where UNHCR is present, posts should, whenever possible, refer the individual(s) to UNHCR, which can then assess the case and make an appropriate referral to a resettlement country. In cases where UNHCR does not agree with post's assessment that resettlement is needed, post should contact PRM/A for guidance.

¶18. It is also possible that an NGO working in the refugee's country of asylum may raise a deserving case with a post. The normal procedure would be to refer the case to UNHCR if the individual refugee is not known to the post. Should the NGO be unsuccessful in pursuing the case as a resettlement referral from UNHCR, posts may consider referring the case to the USRAP. Again, post should contact PRM/A for guidance if at all uncertain about the handling of a case. A limited number of NGOs whose staff have attended a PRM training workshop are permitted to refer cases directly to the USRAP. These workshops have been held in Accra, Bangkok, Cairo, Moscow and Nairobi in recent years, with attendees from NGOs in

the host country and from the surrounding region.

¶19. The Department welcomes carefully considered referrals to the USRAP but does not intend that posts would be called upon to screen large numbers of cases for possible referral. UNHCR- or PRM-funded staff involved in refugee processing already do this and are in the best position to deal with high volume caseloads. In most cases, post referrals should be for individuals who are known to the post or for whom the U.S. has a special humanitarian concern and whom the post believes have suffered harm or face serious harm on account of race, religion, nationality, membership in a particular social group or political opinion.

REFERRALS THAT REQUIRE DEPARTMENT AUTHORIZATION:

¶20. Individuals of any nationality may be referred as refugees if their situation warrants the referral. Most may be referred without prior approval from the Department. But prior approval is required from PRM and DHS/USCIS in Washington for Palestinians, North Koreans, and in-country referrals of any nationality. For example, Embassy Jakarta can refer a Burmese national in Indonesia without Department approval, but should seek authorization when referring an Indonesian national as a Priority One refugee applicant.

¶21. To seek authorization, post should send an appropriately classified cable to PRM/A with info copies to DHS/USCIS at HQ CIS IAO WASHINGTON DC (ROUTING CODE RUEAHLA), and to the regional Refugee Coordinator responsible for Admissions. The cable should include the same information as a referral cable (see para 12 above). The Department will coordinate a response and inform post whether or not the case is approved as a referral. If approved, PRM/A will provide information about the processing modalities.

¶22. Minimize considered.

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